File No. 719

1936.

Collection No.

Mysore Residency

Bangalore

8/7/47

(K)

Pros. / Serial Nos. 1 — 5

(14)

Subject.

Conversion of agricultural Land into building Sites.

Previous References.

7. No. 100/33

Later References.

97.—(Blue).

P—1367 S&P—(M-1907)—8-3 35—60,000.

51

NOTES AND PRECIS.

(1)

D. No. 4503 S.N. 1 cor.p. 1

Remission of 30 years assessment -Mr. Martin's case.

Page 981 of (K)

Under Rules prescribed

Under Section 35 of the Bombay Act I/1865 the person who wishes to convert his agricultural land into building sites has to obtain permission from the Collector for doing so and enter into an agreement with the Collector for the future payment of the assessment and under the rules framed under that Section, a fine of 30 years assessment is levied. It is not known whether Mr. Martin obtained the required permission to convert his agricultural land into building site and if so, 30 years assessment should have been recovered from him before ~~the~~ permission was granted.

* This Act is still in force in the C & M. Station, Bangalore

(1)

As Mr. Martin is now said to have left for Calcutta and his present address is not known, the Collector recommends that the amount be written off. Under Art. 227 of the Civil Account Code Vol. I the Resident has power to write off irrecoverable value of stores or public money lost by fraud or the negligence of the individuals or other causes upto Rs 1000/-. But under Art. 227(d) all sanctions to write off should be communicated to the Accountant-General who will scrutinise in each case and bring to notice any defect of

Page 114 of the Code put up

* page 118 of the Code

of system which appears to require attention. Before passing final orders the Collector may therefore be asked to state whether the amount cannot be recovered from Mr. Turner, the present owner of the land. If this is not possible he may be asked to obtain the address of Mr. Martin from Mr. Turner and take further steps to recover the amount.

(P) 3 Please see para 2 of S. N. 13 of File 29 of 1911, in which the Collector stated in another connection that the President, Municipal Commission had been requested to invariably consult the Revenue authorities before granting permission either for converting the agricultural land to building sites or at least for construction of buildings thereon. In the present case, it appears that the P.M.C. has granted permission for the erection of buildings on the site without consulting the Collector. The necessity to write off this amount would not have occurred if the P.M.C. had consulted the Collector before granting permission. The Collector may, if approved, be asked to bring this again to the notice of the P.M.C.

Draft submitted.

(illegible)

5.6.36

A. S. T.N.T. 5-6-36

para 2 I think we must assume that the Collector has satisfied

satisfied himself that the amount is irrecoverable. We may therefore take action to write off the amount.

para 3 We may ask the Collector to draw the attention of the President, Municipal Commission to the instructions issued in 1917.

10/6/36

Reference paras 4 and 5 of notes ante.

Two drafts submitted.

(From para 6)

17.6.36

T.N.T.
25-6-36. The draft may issue.

3.7.36.

7.7.36

S. N. (2 and 3) Issue

10.10.36

P.T.O

(4)

D.No. 7601 S.N. 4 cor.p. 4

Please see S.N. 1 to 3 and the notes thereon in F. 719-36.

The President, Municipal Commission, C & M Station Bangalore, should not have granted permission to Mr. Skipp for converting the agricultural land into a building site without consulting the Collector, C & M Station, Bangalore. As the 30 years assessment of Rs 724-11-0 being the penality for the conversion cannot now be recovered from Mr. Skipp, it may be written off. In addition to the 30 years assessment the Government has to recover from him the annual land revenue since 1920. Land revenue for some of the plots has however been collected from the present owners with the exception of a sum of Rs 39-6-0. In the circumstances explained by the Collector, the total amount of Rs 764-1-0 may be written off under Art. 227 of the Civil Account Code Vol. I.

Draft submitted.

(From para 8)

10.8.36

T.N.T.
11-8-36

S.N.(5) Issue

CORRESPONDENCE.

(6)

Rules.

No.267, dated the 14th November 1870.- The following Rules, prescribed under Section XXXV of the Survey Act, Bombay Act I of 1865, which was extended to Mysore under the authority of the Government of India, Foreign Department, on the 30th April, 1869, are published for general information.

Rules prescribed under Section XXXV of Bombay Act I of 1865 and passed by Government on 1st November 1865.

I. * * * * *
II. * * * * *
III. * * * * *

IV. Portions of (the Civil and Military Station of Bangalore) to be allotted by (Collector) into classes, and fines levied.- The (Collector), with the sanction of the (Resident in Mysore) will allot those portions of the (Civil and Military Station of Bangalore) to which the section may be made applicable, to one or more of the following classes, and, in addition to the ordinary assessment, fines will be leviable according to the following scale of rates:-

	Rate per acre	
Class I	100	(
Class II	75	(
Class III	50	(or 30 times the fixed assessment, whichever of the two may be the greater.
Class IV	25	(

V. Calculation of fines.- Proviso.- The fine leviable shall, as a rule, be calculated on the entire area of a survey number, or recognised share of a number; provided, however, that in cases where a large area is concerned, the (Collector) may fix a special rate to be charged for the number applied for.

* * * *

"EXTRACT"

M. Ecclesiastes
15-5-36.
SHERISTADAR.

15/5

2-24 Uore 415

(1)

No. 489-D-35

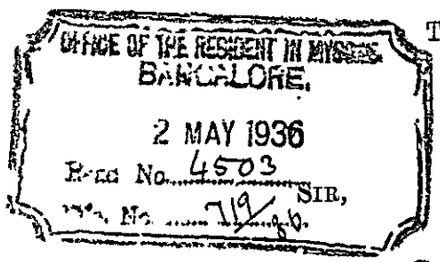
OFFICE OF THE COLLECTOR,
CIVIL AND MILITARY STATION, BANGALORE.

Dated 29th April 1936.

FROM

L.J.MacIver, Esquire, I.C.S.,
COLLECTOR, CIVIL AND MILITARY STATION,
BANGALORE.

To



The Secretary to the Hon'ble the Resident
in Mysore, BANGALORE.

SIR,

Conversion of agricultural land into building site - S.No.4, Kuppasandra - 30 years assessment - writing off.

A sum of Rs.113-7-0 being the 30 years assessment is due from one Mr. H.D.Martin who converted the above land (S.No.4) Kuppasandra into a building site and later sold it to one Mr.W.H.Turner. Mr. Martin is said to have left for Calcutta and his present address is not known. The annual assessment of Rs.3-12-6 due on this land is however being collected from the present occupant. As there seems to be no likelihood of recovering the amount from him, I request that the orders of the Hon'ble the Resident may kindly be obtained to write off this amount.

I have the honour to be,
Sir,
Your most obedient servant,

COLLECTOR.

30.4.

(Draft)

PROCEEDINGS OF THE HON'BLE THE RESIDENT IN MYSORE.

No. 719-36/R.O.II. dated 11/15 July 1936.

Read:-

Letter from the Collector, C & M Station, Bangalore, No.489-D-35, dated the 29th April 1936.

ORDER.

Under the powers delegated to him by the Govt. of India in Foreign and Political Department letter No.1639-A, dated the 30th November, 1923, the Hon'ble the Resident is pleased to order that a sum of Rs. 113-7-0, being the 30 years assessment due from Mr. H.D. Martin who converted his agricultural land (S.No. 4) Kuppasandra into a building site and sold it, shall be written off as irrecoverable under Article 227(b), C.A.C., Vol. I, as his address is not known.

Secretary to the Resident.

To

The Collector, C & M Station, Bangalore.

The Accountant-General, Madras.

Note:-

Copy to be kept in the annual return file to be submitted to A.G. Madras.

2 drafts
draft-I
issue 2-7-36

Issued mp 11/7.

S.N. 1
Cor.p-1
F. 719-36
P.u.c

S N. 159
F. 33-1909
(J)

Page 117 of the Code put up

F. 464 (Bdl.2) 1936

2.7.36

(3

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. F.719-36
R.O. II.

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

Issued
11/7.

The Collector,

Civil and Military Station, Bangalore.

Dated Bangalore, 11th July 1936

Conversion of agricultural land into building site.

SIR,

I am directed to refer to your letter No.489-D-35, dated the 29th April 1936, and Mr.Cox's letter No.4084, dated the 23rd July 1917, and to say that it appears that in Mr.Martin's case the President, Municipal Commission, must have granted permission for converting the agricultural land into a building site without consulting the Revenue authorities. If this is so, I am to ask that instructions may kindly be drawn up and issued which will prevent a re-occurrence of this omission.

I have the honour to be,

Sir,

Your most obedient servant,

for Cox 6/7.

SECRETARY TO THE RESIDENT.

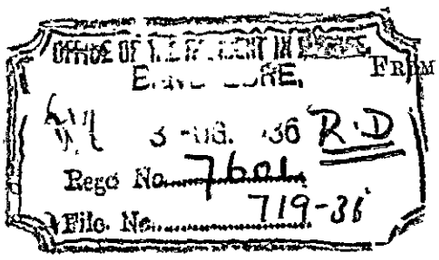
KS

No. 4364-D-29.

(4)

OFFICE OF THE COLLECTOR,
CIVIL AND MILITARY STATION, BANGALORE.

Dated 1st August 1936.



From

L.J.MacIver, Esquire, I.C.S.,
COLLECTOR, CIVIL AND MILITARY STATION,
BANGALORE.

To

The Secretary to the Hon'ble the Resident
in Mysore, BANGALORE

SIR,

Conversion agricultural lands into building sites - Survey Nos.20 to 23, Blackpally village - 30 years assessment and Land Revenue arrears - writing off.

In 1920 Mr.T.C.W.Skipp, owner of the above survey fields plotted out the lands and sold them to certain person for building purposes without paying the 30 years assessment of Rs.724-11-0 as required by Section XXXV of Bombay Act I of 1865. Some of these plots have been built upon. Permission for the construction of the building was granted by the President, Municipal Commission, without making a reference to the Collector.

24-2-6 x 30
24-11-0
† Not put up - but vide Rules at page 6 of (L)

2. The present owners of the above lands are .-

1) Sir H.C.Dinshaw, Bombay,
2) Mr.E.A.Loveday &
3) Miss F.Pereira.

The assessment due on the lands has been collected from Nos. 1 & 2 from 1920-21 to 1935-36 and from No.3 from 1930-31 to 1935-36 as she purchased the plots only in 1929.

3. As Mr.Skipp, who originally plotted out the lands is dead and as there is no possibility of recovering the arrears of land revenue due on the plots* now owned by Miss.Pereira, prior to her purchase, I request that the orders of the Hon'ble the Resident may kindly be obtained to write off the 30 years assessment of Rs.724-11-0 and the land revenue arrears of Rs.39/6/

* From 1920-21 to 1929-30
3-15-0 x 10
39-6-0

19

Rs.39-6-0 as irrecoverable.

Page 6 infra 4. I enclose for information a copy of this office No.489-D-35 dated 16-7-1936 issued to the President, Municipal Commission as directed in your No.F.719-36/R.O.II dated 11-7-1936.

S.N.3
Cor.p.3
Fr 719-36

DESPATCHED
-1 AUG. 1936

I have the honour to be,
Sir,
Your most obedient servant,

COLLECTOR.

1.8.

(6)

Letter No.489-D-35 dated the 16th July 1936 from the Collector C.& M.Station, Bangalore, to the President, Municipal Commission, Bangalore.

Conversion of agricultural land into building site - S.No.4 Kuppasandra - Mr.H.D.Martin.

In the above case permission appears to have been granted to Mr.Martin for converting the above land into building site, without making a reference to the Collector as requested in this office No.4085 d/23-7-'17. When the Shanbhogue of the village reported about this, Mr.Martin was directed to pay the penal assessment of Rs.113-7-0 as required under the revenue rules. As he is now reported to have sold the building and left the Station, the amount could not be recovered from him and it is ordered to be written off vide S.R's No.F.719-36/R.O.II dated 11-7-1936 and Resident's Proceedings copy enclosed.

S.N.2 c.p 2
F 719-36
9 (K)

I request that, in future, when applications are made to the President, Municipal Commission for converting agricultural lands into building sites, the Collector may kindly be consulted before granting permission, otherwise there will be loss of revenue to Government.

"C O P Y"

M. Eechuppa
1-8-36.
SHERISTADAR, COLLECTOR'S OFFICE.

OK
1.8.

(7)

Issued 12-8-36

Issued
19/8/36

S.N. 4.c.p.4
F. 719-36
P.U.C

(Precedent at S.N. 2 cor.p. 2)
F. 719-36

K

Not put-up

(a) Rs 724-11-0 being the 30 years assessment due from Mr. T.C. W. Skipp who converted his agricultural land (S.Nos. 20 to 23) Blackpally village into a building site and sold it.

(b) Rs 39-6-0 being the arrears of Land revenue due by Mr. Skipp from 1920-21 to 1929-30 at Rs 3-15-0 per annum.

⊗ Not put up

Note:-

Copy to be kept in the annual return file to be submitted to A.G. Madras(F. 964-1936).

Done 19/8

PROCEEDINGS OF THE HON'BLE THE RESIDENT IN MYSORE.

No. 719-36/R.O.II. dated 19th August 1936.

Read:-

Letter from the Collector, C & M Station, Bangalore, No. 4364-D-29 dated the 1st August 1936.

O R D E R.

Under the powers delegated to him by the Govt. of India in Foreign and Political Department letter No.1639-A, dated the 30th November, 1923, the Hon'ble the Resident is pleased to order that a sum of Rs 764-1-0 (rupees seven hundred and sixty four and anna one) as detailed in the margin shall be written off as irrecoverable under Article 227(b) of the Civil Account Code Vol. I, as Mr. Skipp is dead.

SECRETARY TO THE RESIDENT.

To

The Collector, C & M Station, Bangalore.

The Accountant-General, Madras.

10.8.36
T.N.T
11-8-36